

Juvenile Justice Improvement Committee
Judicial Conference of Indiana

Meeting
November 5, 2010

The Juvenile Justice Improvement Committee of the Judicial Conference of Indiana met on Friday, November 5, 2010 from 12:00 Noon – 2:50 p.m. at the Indiana Judicial Center.

1. Members present. Christopher L. Burnham, Gary K. Chavers, Glenn D. Commons, Roger L. Duvall, James D. Humphrey, A. Christopher Lee, Lori K. Morgan, G. George Pancol, and Loretta H. Rush, Chair.
2. Staff present. Jeffrey Bercovitz, Anne Jordan, Angela Reid-Brown, and Jane Seigel provided the committee with staff assistance.
3. Guests present. Professor Roger Jarjoura, IUPUI; Tashi Johnson, DMC Coordinator, Indiana Criminal Justice Institute; and Robert Rath, Director, Appellate Technology, Division of State Court Administration was also present.
4. Minutes. The minutes of the meeting on October 8, 2010 were approved.
5. Evidence-based programming. Judge Rush distributed brochures on evidenced-based programming in her county entitled: (1) pregnancy resources and (2) Evidence-based Juvenile Programming. Magistrate Chavers distributed (1) a chart entitled “Pretrial Release Continuum” and (2) EBP Progress Report dated October 2010. She asked other committee members to bring in information on evidence-based programming to the next meeting.
6. Disproportionate Minority Contact. Professor Roger Jarjoura gave a report on the survey of counties for purposes of disproportionate minority contact on behalf of the Indiana Criminal Justice Institute (ICJI). The Office of Juvenile Justice Delinquency Prevention (OJJDP) required five (5) years of data on DMC in Indiana’s counties and the ICJI was threatened with sanctions for noncompliance. The data will be on Referral, Diversion, Detention, Petition filing, Delinquency adjudication, Probation, Secure Confinement and Waiver to Adult Court. He discussed the data gathering process, the relative rate index of DMC, and the potential next steps with the committee. Committee members requested to see the data on their counties before the ICJI sends it to OJJDP.
7. Dual jurisdiction legislation. Proposed legislation on dual jurisdiction juveniles was distributed to the committee. Magistrate Commons moved to table this proposed legislation. Judge Burnham seconded the motion. The motion was passed.
8. Meeting with DCS.
 - a. Judge Burnham reported on a meeting with DCS Director James Payne held the morning of the Juvenile Justice Improvement Committee meeting. Judge Rush and Judge Bonaventura attended via speakerphone. Jane Seigel and Jeffrey Bercovitz were also in attendance. Director

Payne reported DCS was under constraint to promulgate rules because of the federal lawsuit filed about rates paid by DCS to providers. Judge Burnham reported there will be another hearing in the proposed rules on Monday, November 15. They expect to publish a final set of rules by the end of the year.

b. It was agreed the final rules on provider reimbursements be sent out to all courts. DCS agreed to give the Judicial Center the “redline” version of the rules indicating the various amendments from the draft. It was also agreed to send out a summary of the morning meeting.

c. Judge Burnham reported DCS agreed to provide some advance notice of broad rule changes and proposed legislation in the future. DCS also indicated a willingness to discuss a guideline to permit a warning to a court in advance if the order from a court does not meet Indiana law and the county will be charged for the cost of the placement ordered. It was noted this has not occurred yet, but various courts have been notified of deficiencies in their orders. Judge Rush agreed to discuss a time frame for notices to courts if their county is about to be charged for costs of placement because of orders that do not follow Indiana statutes.

d. Committee members discussed additional training for courts and probation officers about the time frames and requirements for orders and procedures under HEA 1001. Jane Seigel indicated DCS is working to develop a probation program that will not accept incorrect information for DCS payment purposes.

9. Shelter care policy. DCS indicated they would not accept the changes in the shelter care policy agreed upon by the Juvenile Justice Improvement Committee at the October meeting. Judge Burnham moved not to approve the shelter care policy. Magistrate Chavers seconded the motion. The motion was passed.

10. Permanency and the Courts. Magistrate Chavers, Judge Humphrey, and Judge Lee reported on the Judicial Center and DCS joint training sessions entitled, “Permanency and the Courts” on November 4, 2010. Jeffrey Bercovitz noted additional sessions were scheduled on November 9, 10, and 18, 2010.

11. Other.

a. Jeffrey Bercovitz distributed materials on the paternity affidavit. He noted it requires a social security number from each parent, which has been a statutory requirement for a few years. He indicated there is a federal lawsuit pending on the requirement of the social security number. Committee members reported no issues in this area.

b. Judge Burnham reported he could not find the U.S. Congress had advanced the repeal of the valid court order (VCO) exception any further since the June meeting.

12. Next meeting dates. Members of the committee agreed to meet again on Friday, January 7, 2011, February 4, 2011, March 4, 2011, May 6, 2011, June 3, 2011, October 7, 2011 and November 4, 2011 all from 12:00 noon – 3:00 p.m. at the Indiana Judicial Center.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law